

## **EXHIBIT 75**

# **SECOND MAO DECLARATION PLAINTIFFS' MOTION FOR CLASS CERTIFICATION**

CONFIDENTIAL

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA  
SAN FRANCISCO

-----  
)  
ANIBAL RODRIGUEZ, et al., )  
individually and on behalf of )  
all others similarly situated, )  
)  
Plaintiffs, )  
) Case No.:  
vs. ) 3:20-CV-04688  
)  
GOOGLE LLC, et al., )  
)  
Defendant. )  
-----)

\*\* CONFIDENTIAL \*\*

Videotaped Deposition of  
ANIBAL RODRIGUEZ  
(Conducted Remotely)  
Sunday, October 16, 2022  
12:03 p.m. EDT

Job No.: 5516994  
Reported by: BRENDA MATZOV, CSR NO. 9243

CONFIDENTIAL

1 invading your privacy; right? 13:59:12

2 A. The -- my -- invasion of privacy. 13:59:15

3 Right. 13:59:18

4 Q. And in spite of that, you chose last 13:59:20

5 year to purchase an Android phone again, didn't 13:59:24

6 you? 13:59:28

7 A. Yeah. 13:59:28

8 Q. Why didn't you switch phones -- 13:59:32

9 A. Why should -- 13:59:33

10 Q. -- to a different -- 13:59:33

11 A. -- I? Why should -- 13:59:33

12 Q. -- non-Android phone? 13:59:33

13 A. Why should I change phones? Why 13:59:37

14 wouldn't the but -- the button just work? 13:59:38

15 MR. LEE: Hold on. 13:59:41

16 Counsel, are you -- are you trying -- 13:59:41

17 are you representing that -- that Google doesn't 13:59:42

18 collect information with WAA off from non-Android 13:59:45

19 smartphones? Are you making that representation 13:59:49

20 here? 13:59:53

21 MS. ARAKAKI: This is my deposition. 13:59:54

22 And we're not -- I'm not questioning you. I'm 13:59:54

23 talk -- I'm questioning the witness. 13:59:57

24 BY MS. ARAKAKI: 13:59:58

25 Q. So my question is -- 13:59:58

Page 81

CONFIDENTIAL

1	MR. LEE: So no --	14:00:00
2	BY MS. ARAKAKI:	14:00:00
3	Q. -- Mr. Rodriguez --	14:00:00
4	MR. LEE: -- representation from you?	14:00:00
5	No representation from you; is that right?	14:00:01
6	MS. ARAKAKI: This is my deposition.	14:00:04
7	I'm asking the questions here.	14:00:04
8	BY MS. ARAKAKI:	14:00:09
9	Q. Mr. Rodriguez, when you made the	14:00:09
10	decision last year to purchase an Android	14:00:11
11	phone, did you consider the allegations you	14:00:13
12	made in this case the year before?	14:00:16
13	A. Yes.	14:00:18
14	Q. Did you consider it in the purchase	14:00:18
15	decision you made?	14:00:24
16	A. Yes.	14:00:27
17	Q. How did it factor into your purchase	14:00:29
18	decision?	14:00:31
19	A. Well, what -- what -- why -- you know,	14:00:33
20	why I bought the -- the -- the device? Is that	14:00:37
21	what you said?	14:00:39
22	Q. How did the fact that you had -- no.	14:00:45
23	I'll rephrase.	14:00:46
24	How did the fact that you had made	14:00:47
25	allegations in July 2020 that Google -- to	14:00:50

Page 82

CONFIDENTIAL

1 use your words -- was engaging in disturbing 14:00:52  
2 conduct by collecting data while WAA is off 14:00:56  
3 factor into your decision to purchase another 14:00:56  
4 phone that used the Android software system? 14:01:00  
5 A. Because, you know, being limited to 14:01:05  
6 what I have as far as options. Again, I'm not 14:01:06  
7 a rich person. I don't -- I don't have money 14:01:09  
8 to buy certain phones. My provider had a great 14:01:11  
9 deal and I had to do that. Sometimes I -- you 14:01:16  
10 know, you have to go that route. I mean, that's 14:01:19  
11 basically what it comes down to. I mean, that's -- 14:01:23  
12 that's why I chose to do that. 14:01:25  
13 But, again, WAA's off, it should not 14:01:29  
14 be collecting data, you know. It -- it's plain 14:01:33  
15 and simple. 14:01:37  
16 And, again, we're -- we're -- we're 14:01:42  
17 in this here. And as -- as far as what we're 14:01:43  
18 investigating, I didn't want to change any of 14:01:51  
19 my -- my -- my activities or -- or what I'm doing 14:01:53  
20 if before -- if -- if we're in this investigation, 14:01:59  
21 I needed to keep what I had. 14:02:01  
22 So my phone still had same apps, still 14:02:04  
23 have WAA off, and my -- my behaviors are still 14:02:08  
24 the same. In order for this to continue, I want 14:02:11  
25 to make sure that you know that I still have 14:02:15

Page 83

CONFIDENTIAL

1	the same behaviors.	14:02:17
2	Q. Why did you think it was important	14:02:21
3	that you have the same behaviors during your	14:02:24
4	investigation?	14:02:26
5	A. Because we're -- we're in this	14:02:27
6	investigation. And if -- if everything is --	14:02:28
7	you know, if -- if you are indeed taking	14:02:30
8	information from me without my permission,	14:02:34
9	we need to know. So my phone is still there,	14:02:36
10	the same way it was before -- before the	14:02:40
11	allegation and while we're in this deposition.	14:02:42
12	So why I have the same phone is so	14:02:45
13	that way we can figure out what's going on.	14:02:49
14	And, obviously, at the end of the day, we'll	14:02:52
15	figure out what -- what's really happening.	14:02:54
16	Q. How will you do that?	14:02:57
17	A. Well, you're -- we're -- we're doing	14:03:00
18	an investigation. We're in this lawsuit here.	14:03:01
19	And I have lawyers and other professionals that	14:03:04
20	are looking into that.	14:03:08
21	Q. Besides what your lawyers are doing,	14:03:13
22	do you have any knowledge about what is being	14:03:14
23	done to investigate your allegations?	14:03:17
24	MR. LEE: I think she's asking about	14:03:21
25	things beyond discussions you've had with counsel.	14:03:23

Page 84

CONFIDENTIAL

1 If you can answer that, go ahead. But don't 14:03:25

2 reveal any discussions. You can -- you can -- 14:03:28

3 you can state that you had discussions with 14:03:29

4 counsel. But I don't want you to get into 14:03:34

5 any of the contents. Okay? 14:03:37

6 THE WITNESS: Right. 14:03:39

7 So can you repeat the question again? 14:03:39

8 BY MS. ARAKAKI: 14:03:41

9 Q. So you said several times that the 14:03:41

10 reason you couldn't change from an Android 14:03:43

11 phone is because you were in the middle of 14:03:46

12 an investigation in this case. 14:03:48

13 What are you doing to investigate 14:03:50

14 your allegations besides what you've discussed 14:03:52

15 with counsel or have learned from counsel? 14:03:55

16 A. What have I done? 14:04:00

17 Well, again, this -- there are other -- 14:04:01

18 there are other people involved. For instance, 14:04:05

19 professionals that are digging into this 14:04:08

20 information. As far as the details, I'm not 14:04:10

21 a tech guy, so I wouldn't know. But I'm trusting 14:04:12

22 that the people on my team are going to get to 14:04:16

23 the bottom of it. 14:04:20

24 Q. Besides your attorneys, who are you 14:04:20

25 referring to when you say professionals and 14:04:22

Page 85

## CONFIDENTIAL

1 But if -- if we're talking about who 18:10:12  
2 can get that information and who can use that 18:10:17  
3 information and you're choosing a specific 18:10:20  
4 company not to gather that information, I think 18:10:25  
5 it should be honored. 18:10:28

6 But, you know, again, if this is on 18:10:30  
7 here and it's gathering information for someone 18:10:32  
8 to collect from someone and if that someone 18:10:35  
9 doesn't want that data shared, whether they 18:10:39  
10 know or not -- and maybe they should look into 18:10:42  
11 ways to protect that information, which, if you 18:10:47  
12 are someone like that, more likely you are going 18:10:51  
13 through those options. 18:10:54

14 For instance, WAA, if, let's say -- 18:10:55  
15 let's hype -- let's say the person who has WAA 18:10:59  
16 off and they go to this website, they can safely -- 18:11:03  
17 they should at least assume that this information 18:11:07  
18 that's gathered is not going to be shared with 18:11:12  
19 Google. And that's where it comes -- what it 18:11:15  
20 comes down to. So if they have it on and you're -- 18:11:18  
21 and you're collecting it from this website, that's 18:11:22  
22 totally up to them. 18:11:26

23 Q. Okay. So you just said something very 18:11:30  
24 interesting. You said the customer, when they 18:11:31  
25 go to this website Eco Clean Detail [sic], if 18:11:33



CONFIDENTIAL

1       they have WAA off, they can assume you will not       18:11:35  
2       share it with Google.       18:11:40  
3               How would you know not to share their       18:11:41  
4       information with Google?       18:11:43  
5               A.    I don't --       18:11:43  
6               MR. LEE:  Objection.  Mischaracterizes.       18:11:45  
7               Go ahead.       18:11:45  
8               THE WITNESS:  I -- I don't know how       18:11:47  
9       this website works.  Again, it's not something       18:11:47  
10       that I actively used or actively gathered       18:11:50  
11       information.  I don't know anything about       18:11:55  
12       this but besides what you and I are looking       18:11:57  
13       at right now.  I totally forgot about it.       18:12:00  
14       BY MS. ARAKAKI:       18:12:03  
15               Q.    Let's talk about something else.       18:12:03  
16               So you brought this case against       18:12:08  
17       Google.  You allege that Google is invading       18:12:10  
18       your privacy by collecting information while       18:12:14  
19       you have WAA off and that you've been harmed;       18:12:14  
20       right?       18:12:18  
21               Have you been harmed -- and I just       18:12:19  
22       want to understand the harm.       18:12:22  
23               So have you been harmed physically       18:12:23  
24       by Google's collection of your information?       18:12:27  
25               A.    I've been -- there's -- when you say       18:12:29

Page 247

CONFIDENTIAL

1 "harmed," it's -- it -- it -- it's -- it's -- 18:12:30

2 harm is -- is -- is -- is a vague word. When 18:12:31

3 you say have I been harmed physically -- I've 18:12:36

4 been harmed. 18:12:41

5 It's -- it's really -- it's -- it's 18:12:42

6 not okay for someone to take your information 18:12:43

7 without your -- your consent at any given time, 18:12:47

8 no matter what the situation is. The harm that 18:12:53

9 comes with that is the fear of someone getting 18:12:56

10 your information and who knows what they're 18:12:59

11 using it for. I don't know. 18:13:03

12 So it's -- it -- so for me to feel 18:13:04

13 safe and understand that, hey, you know what, 18:13:08

14 if this [audio fades] says the information 18:13:10

15 that they are deciding to gather, if it's on, 18:13:13

16 if -- that's fine and I'm okay with that if 18:13:19

17 I'm -- I'm agreeing to that. 18:13:21

18 But if I have it off, it's not a -- 18:13:23

19 it's -- it's -- it's -- it's a terrible thing 18:13:26

20 to do to someone, to get information from them 18:13:29

21 after you've already agreed to them -- after you 18:13:32

22 say -- after Google says that Google understands 18:13:34

23 that it's a big responsibility for them and they 18:13:39

24 work really hard to protect my information and 18:13:43

25 they put me in control. 18:13:45

Page 248

## CONFIDENTIAL

1                   So when you say that, it tells me                   18:13:48

2                   that, okay, I should feel safe.   But when you                   18:13:50

3                   don't feel safe, isn't that harmful?   It is.                   18:13:55

4                   So if I'm not in control, it's -- it's -- who                   18:13:58

5                   knows what's going on?   And when you tell me                   18:14:01

6                   that I -- I have control and I have the choice,                   18:14:04

7                   then you should -- you should abide by that.                   18:14:07

8                   So that's the harm that comes in play.                   18:14:11

9                   And I don't think anybody is -- having to deal                   18:14:15

10                  with this is -- is dealing with this in a --                   18:14:18

11                  in a okay way.   I'm sure they're feeling harm                   18:14:22

12                  in some way, shape, or form.   And that's why                   18:14:26

13                  we're here.   We need to fix this issue.   If                   18:14:32

14                  that button is fixed and it does what it does,                   18:14:33

15                  we can feel safe again.                   18:14:33

16                  Q.    Okay.   So you took issue with the                   18:14:38

17                  word "harmed," and you said it's vague.   But                   18:14:41

18                  you used the word "harmed" in your Complaint                   18:14:44

19                  and you said that Google had harmed you by                   18:14:47

20                  collecting information.   So I'm trying to                   18:14:48

21                  understand what that harm is.                   18:14:51

22                  So it sounds like that's a "yes" to                   18:14:52

23                  my question, you've not been harmed physically;                   18:14:55

24                  right?                   18:14:58

25                  A.    Physically?   Well --                   18:14:58

## CONFIDENTIAL

1 Q. Correct. 18:15:01

2 A. -- define -- 18:15:01

3 Q. Physically. 18:15:01

4 A. -- "physically." 18:15:01

5 Is it that -- did I feel hurt? Did 18:15:01

6 I get cut by it? Did I break my arm? Is that 18:15:05

7 what you mean by "physically"? 18:15:08

8 Q. Do you recall seeing your Complaint? 18:15:12

9 A. I -- I'm sorry? But I'm -- I'm just 18:15:14

10 asking. Did -- is -- is -- is that what you 18:15:20

11 meant? 18:15:22

12 Q. So I'm just trying to under -- sure. 18:15:22

13 A. Right. That's what I'm -- 18:15:25

14 Q. Were you -- 18:15:26

15 A. That's what I'm -- 18:15:26

16 Q. -- harmed physically? 18:15:26

17 A. -- trying to figure out. 18:15:26

18 Q. Were you harmed physically on your 18:15:30

19 body? 18:15:32

20 A. Again, that's what I'm asking. Is 18:15:34

21 it -- is -- do you mean, like, did I get cut? 18:15:36

22 Or did I break my arm because of it? 18:15:38

23 Q. When you hear the phrase "physical 18:15:42

24 harm," what do you understand that to mean? 18:15:45

25 A. That's what I'm trying to clear up. 18:15:46